

NO. PD-0736-17

JOHN KENNETH LEE

VS.

STATE OF TEXAS

§ IN THE COURT OF
§ COURT OF CRIMINAL APPEALS
§ 3/16/2018
§ DEANA WILLIAMSON, CLERK
§ CRIMINAL APPEALS
§
§ OF TEXAS

APPELLANT'S PETITION URGING ORAL ARGUMENT
FOR CASE SET FOR SUBMISSION WITHOUT ARGUMENT

TO THE HONORABLE JUDGES OF SAID COURT:

Now comes John Kenneth Lee, Appellant in the above styled and numbered cause, and petitions this court to reconsider its order setting this case for submission without argument and for good cause shows the following:

1. On June 15, 2017, the Court of Appeals reversed appellant's conviction. *John Kenneth Lee v. State*, 13-15-00514-CR.

2. On July 12, 2017, the State filed a petition for discretionary review in this Court, which was granted on November 15, 2017.

3. On March 15, 2018, this Court set this matter for submission without oral argument on April 4, 2018.

4. Appellant petitions this Court to reconsider the need for oral argument in this cause for the following reasons:

a. Appellant believes this issue is an issue of first impression that appears simpler than the policy implications of this Court's ruling could have on all cases involving scientific evidence in this State, and that such issues

are best defended through the questions and answer format of an oral argument than through briefs. Appellant's brief contains several strongly-worded arguments that Movant would welcome the chance to defend and explain in detail if given the opportunity to answer questions and engage in an active dialogue regarding the issues raised by this case.

b. Many of the findings made by the court of appeals were a reflection of the oral argument made before that court, and Movant believes that the most effective and persuasive way to defend and advocate for the findings adopted by the court of appeals from that argument is through oral argument to this Court.

c. Movant has a long-term career goal becoming board certified in criminal appeals. Movant has briefed approximately forty (40) cases representing both criminal defendants and the State before the court of appeals, three of which have been granted oral argument. This is Movant's first case in over seven years of appellate practice that has required briefs before this Court. As well as being Movant's favorite appellate case so far in his career, this case may be the only opportunity Movant has for oral argument before this Court in order to reach the requirements of the criminal appeals certification in the foreseeable future.

d. On a personal note, Movant interned during law school for Judge Keyes at the First Court of Appeals in 2006, while Judge Alcala was a justice in Houston. Movant also interned at the Harris County District Attorney's Office in 2007, while Judge Keel was a district court judge and Judge Newell was an assistant district attorney in Harris County. It would be an honor to be able to argue Movant's first case to this Court in front of three judges who all share a connection to the very beginning of his career as a criminal litigator.

WHEREFORE, PREMISES CONSIDERED, Appellant respectfully requests that this Court reconsider its denial of oral argument before setting this case for submission, and that this case be set for oral argument at this Court's earliest convenience.

Respectfully submitted,

Law Office of Arnold Hayden
Post Office Box 4967
Victoria, Texas 77903-4967
(361) 573-4393
(361) 573-4394 (facsimile)

By: /S/ Arnold K. Hayden, Jr.
Arnold K. Hayden, Jr.
State Bar No. 24065390
E-Mail: arnold@arnoldhaydenlaw.com
Attorney for John Kenneth Lee

CERTIFICATE OF SERVICE

This is to certify that on March 16, 2018, a true and correct copy of the above and foregoing document was served on the District Attorney's Office, Victoria County, 205 N. Bridge St., Ste. 301, Victoria, Texas 77901, by electronic delivery service.

/S/ Arnold K. Hayden, Jr.

Arnold K. Hayden, Jr.